

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)
FOX ROTHSCHILD LLP 49 Market St. Morristown, NJ 07960 Joseph J. DiPasquale, Esq. Michael R. Herz, Esq. Joseph A. Caneco, Esq. jdipasquale@foxrothschild.com mherz@foxrothschild.com jcaneco@foxrothschild.com Telephone: (973) 992-4800 Facsimile: (973) 992-9125 <i>Proposed Counsel to the Debtor And Debtor in Possession</i>
In re: ASSUNCAO BROS., INC., Debtor.
Chapter 11 (Subchapter V) Case No. 22-16159-CMG Judge: Hon. Christine M. Gravelle

**APPLICATION FOR ENTRY OF A CONSENT ORDER
PROVIDING RETAINER FOR SUBCHAPTER V TRUSTEE**

Assuncao Bros., Inc. (the “Debtor”), the debtor and debtor-in-possession in the above-captioned chapter 11, subchapter v case (the “Subchapter V Case”), by and through its proposed counsel, Fox Rothschild LLP, hereby requests the entry of a consent order providing a retainer for the subchapter v trustee, Scott Rever (the “Trustee”), and in support thereof, respectfully states:

1. On August 3, 2022 (the “Petition Date”), the Debtor commenced this Subchapter V Case by filing a voluntary petition for relief under chapter 11, subchapter v, of the United States Bankruptcy Code. The Debtor continues to operate its business and manage its property as a debtor-in-possession in accordance with section 1184 of the Bankruptcy Code.
2. On August 8, 2022, the Office of the United States Trustee appointed the Trustee as the subchapter v trustee in the Debtor’s Subchapter V Case.

3. As set forth in the proposed consent order submitted herewith agreed to by the Debtor and the Trustee, the Debtor has agreed to provide the Trustee with a retainer in the amount of \$25,000 to be applied against the Trustee's fees and costs incurred in the Debtor's Subchapter V Case subject to further order of the Court allowing the Trustee's fees and costs.

4. Based on the foregoing, it is respectfully requested that the proposed consent order submitted herewith, the form of which has been agreed to by or on behalf of each of the Debtor and Trustee, be entered, and that the Court grant such other and further relief as it deems just and proper.

Respectfully submitted,

FOX ROTHSCHILD LLP
Proposed Counsel for the Debtor

By: /s/ Michael R. Herz
Michael R. Herz, Esq.

Dated: September 12, 2022